



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/971,101	11/14/97	DANYLUK	S 10733-215A

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MM41/1116

EXAMINER
LARKIN, D

ART UNIT	PAPER NUMBER
2856	5

DATE MAILED: 11/16/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/971,101</b>	Applicant(s) <b>DANYLUK et al.</b>
	Examiner <b>Daniel Larkin</b>	Group Art Unit <b>2856</b>

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire TWO (2) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-10 is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 14 Nov 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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- ✓ 1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the provisional application for patent on which priority can be claimed, by specifying the application number, day, month, and year of its filing.

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
- ✓ 3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Applicants have stated in the Brief Description of the Drawing Figures that Figure 1 is a showing of the prior art.
- ✓ 4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference numeral "152", the reference electrode, does not appear within the drawing figures as first disclosed on page 8, line 10. Correction is required.

- ✓ 5. Applicants are required to submit a proposed drawing correction in response to this Office Action. Any proposal by the Applicants for amendment of the drawings to cure defects must consist of two parts:

- a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and
- b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the Examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

6. The disclosure is objected to because of the following informalities:

Page 1, lines 4 and 5 make reference to a provisional application filed on 17 November 1996. This reference does not appear on the front filewrapper or within the oath. Applicants are

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required to file a new oath stating whether or not priority under 35 U.S.C. 120 is sought. Applicants have a right to claim these benefits under 35 U.S.C. 120 since the this application, nonprovisional, for patent has been filed within a year of the provisional application. Appropriate correction is required.

**NOTE:** Prior art was not relied upon to reject claims 1-10 because the prior art fails to teach and/or make obvious the limitation of providing an apparatus or a method for monitoring surface variations of a componet by utilizings a non-vibrating capacitance probe placed in proximity to a component to be measured and means for measuring the contact potential difference between the component and the non-vibrating capacitance probe.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses capacitance probes for determine surface parameters using capacitance probes.

8. Claims 1-10 are allowable.

9. This application is in condition for allowance except for the following formal matters:

See above paragraphs 1-6.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel Larkin whose telephone number is (703) 308-6724. The Examiner can normally be reached on Monday-Friday from 7:00 AM - 4:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hezron E. Williams, can be reached on (703) 305-4705. The FAX telephone number for this Technology Center (Center 2800, unit 2856) is (703) 308-7382.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

Daniel Larkin

9 November 1998

  
**DANIEL S. LARKIN**  
**PATENT EXAMINER**  
**GROUP 2856**

  
**Hezron Williams**  
**Supervisory Patent Examiner**  
**Technology Center 2800**